



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	MasterBrand Cabinets, Inc.
Facility Name:	MasterBrand Cabinets, Inc.
Facility Location:	220 Mehler Lane Martinsville, Virginia
Registration Number:	21432
Permit Number:	BRRO-21432

This permit includes the following programs:
Federally Enforceable Requirements - Clean Air Act (Sections I through VII)

June 14, 2012
Effective Date

June 13, 2017
Expiration Date

Regional Director

Signature Date

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I. Facility Information

Permittee
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P.O. Box 420
Jasper, IN 47547-0420

Responsible Official
Rick Lovorn
General Manager

Facility
MasterBrand Cabinets, Inc.
220 Mehler Drive
Martinsville, VA 24112

Contact Person
Greg Mercado
EHS Regional Manager
(276) 638-1443

County-Plant Identification Number: 51-089-0132

Facility Description: NAICS Code: 33711 – Wood Kitchen Cabinet and Countertop
Manufacturing. SIC Code 2434 – Wood Kitchen Cabinets

MasterBrand Cabinets Inc.- manufactures wood kitchen cabinets and bath cabinets. The plant has woodworking operations but much of the wood arrives pre-cut. The plant assembles cabinets in the stages of machining, sub assembly, finishing and final assembly. The facility is a Title V major source for VOC (248.4 tons per year) and a major source for combined HAPs. The facility is subject to 40 CFR Part 63, Subpart JJ for wood furniture manufacturing.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Manufacturing Equipment							
M-1	BHS-1, BHS-2	Machining Operations	3000 cpd	Fabric Filters	BH1, BH2	PM, PM10	March 21, 2011
SA-1	BHS-3	Sub-Assembly Operations	3000 cpd	Fabric Filters	BH3	PM, PM10	March 21, 2011
F-1	FS-1 through FS-23	Finishing Operations	3000 cpd	Dry Filters	F1- F23	PM, PM10	March 21, 2011
F-1	FS-24 (End grain equalizer)	Spray Booth for Finishing Operations	3.6 gph	Dry Filters	F1-24	PM, PM10	March 21, 2011
FA-1		Final Assembly Operations	3000 cpd				March 21, 2011
W-1		Warehouse Operations	3000 cpd				March 21, 2011

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Manufacturing Equipment Requirements

A. Limitations

1. Emission controls – Particulate emissions from the spray booths (F-1) shall be controlled by dry filters or a VDEQ approved equivalent method. Each filter shall be provided with adequate access for inspection and shall be in operation when the associated spraying equipment is operating.
(9 VAC 5-80-110 and Condition 2 of the 3/21/2011 NSR Permit)
2. Emission controls – Particulate emissions from the Machining Operations, Sub-Assembly Operations, and other woodworking processes shall be controlled by air handling systems with fabric filters (baghouses) or fabric filters vented to plant air. Each baghouse shall be provided with adequate access for inspection and shall be in operation when the associated woodworking equipment is operating.
(9 VAC 5-80-110 and Condition 3 of the 3/21/2011 NSR Permit)
3. Control Efficiency - The baghouses and cartridge filter (M1, SA-1) shall achieve an outlet grain loading for particulate matter of no greater than 0.007 grains per standard cubic foot.
(9 VAC 5-80-110 and Condition 8 of the 3/21/2011 NSR Permit)
4. Control Efficiency – The spray booth dry filters (F-1) shall achieve a control efficiency for particulate matter of at least ninety percent (90%).
(9 VAC 5-80-110 and Condition 9 of the 3/21/2011 NSR Permit)
5. Fugitive Dust and Fugitive Dust Emission Controls – Fugitive dust and fugitive dust emissions controls shall include the following or equivalent, as a minimum:
 - a. Shop floor dust shall be kept clear of building egress points to avoid track out.
 - b. All material being stockpiled outdoors shall be kept adequately moist to control dust during storage and handling or covered at all times to minimize emissions.
 - c. Dust from haul roads and traffic areas shall be controlled by the application of asphalt, water, suitable chemicals, or equivalent methods approved by the DEQ.
 - d. Volatile organic compounds shall not be intentionally spilled, discarded to sewers, stored in open containers or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.
(9 VAC 5-80-110 and Condition 10 of the 3/21/2011 NSR Permit)
6. Particulate Disposal – The disposal of collected particulate matter (M1, SA-1) shall

be performed in a manner which minimizes the introduction of air contaminants to the ambient air.

(9 VAC 5-80-110 and Condition 14 of the 3/21/2011 NSR Permit)

7. Throughput – The throughput of volatile organic compounds shall not exceed 248.4 tons per year, calculated monthly as the sum of each consecutive 12 month period; or

Throughput – The throughput of volatile organic compounds shall not exceed 248.4 tons per year, calculated monthly as the sum of each consecutive 12 month period (Except for VOCs removed from the facility as waste or liquids, all VOC throughput evaporates to atmosphere).

- a. To determine VOC throughput using material balance, the owner or operator must:

- (i) Have records of quantities used of the paints, coatings and solvents being reported;
- (ii) Have records of quantities of VOC waste and an analysis of solvent content where applicable;
- (iii) Calculations of emissions of VOCs through material balance

(a)
$$\text{VOC throughput (tons)} = [(\text{Coating Usage, gal}) \times (\text{Coating Density, lb/gal}) \times (\text{VOC Content of Coating, \% by Wt.})] + [(\text{Cleaning Solvent Usage, gal}) \times (\text{Solvent Density, lb/gal})] - [\text{VOC Containing Waste, lb}]/2000 \text{ lbs/ton}$$

(b) Where VOC containing waste is calculated as follow:
$$(\text{VOC containing waste, lb}) = (\text{Clean-up solvent and Coating materials wastes, gal}) \times (\text{Density of wastes, lb/gal}) \times (\text{VOC content of the wastes, \% by weight})$$

VOC content of liquid wastes shall be determined by producing a composite sample from each container making up a waste paint shipment. The composite sample shall be analyzed and the VOC content using the EPA Method 24. Once the VOC content of the waste is known it can be deducted from the emission reported for the time period in which the waste was generated.

(9 VAC 5-80-110 and Condition 15 of the 3/21/2011 NSR Permit)

8. Emission Limits – Emissions the operation of each baghouse shall not exceed the limits specified below:

Particulate Matter	0.007 gr/scf	16.1 tons/yr
PM-10	0.007 gr/scf	16.1 tons/yr

(9 VAC 5-80-110 and Condition 17 of the 3/21/2011 NSR Permit)

9. Emission Limits – Emissions the operation of spray booth No. 24 shall not exceed the limits specified below:

Particulate Matter	0.65 lb/hr	2.9 tons/yr
PM-10	0.65 lb/hr	2.9 tons/yr

(9 VAC 5-80-110 and Condition 18 of the 3/21/2011 NSR Permit)

10. Plantwide Emission Limits – Total emissions from the kitchen cabinet manufacturing facility shall not exceed the limits specified below:

Particulate Matter	25.3 lbs/hr	80.1 tons/yr
PM-10	25.3 lbs/hr	80.1 tons/yr
Volatile Organic Compounds		248.4 tons/yr

(9 VAC 5-80-110 and Condition 19 of the 3/21/2011 NSR Permit)

11. Visible Emission Limit – Visible emissions from each baghouse and cartridge filter shall not exceed five percent (5%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-80-110 and Condition 20 of the 3/21/2011 NSR Permit)

12. Visible Emission Limit – Visible emissions from each spray booth shall not exceed five percent (5%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-80-110 and Condition 21 of the 3/21/2011 NSR Permit)

13. Maintenance/Operating Procedures – The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, monitoring devices, and process equipment which affect such emissions:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
- b. Maintain an inventory of spare parts.
- c. Have available written operating procedures for equipment. These procedures

shall be based on the manufacturer's recommendations, at a minimum.

- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
(9 VAC 5-80-110 and Condition 26 of the 3/21/2011 NSR Permit)

B. Monitoring for manufacturing equipment

1. Monitoring Devices – Each baghouse and cartridge filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. A record of the differential pressure for each baghouse and cartridge filter shall be made daily, on days when the facility is in operation. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the baghouse or cartridge filter is operating, excluding brief period of instrument maintenance.
(9 VAC 5-80-110 and Condition 11 of the 3/21/2011 NSR Permit)
2. At least one time per week an observation of the presence of visible emissions from the baghouse stacks shall be made. The presence of visible emissions shall require the permittee to:
 - a. Take timely correction action such that the unit resumes operation with no visible emissions, or,
 - b. Conduct a visible emission evaluation (VEE), in accordance with EPA Method 9 (reference 40 CFR 60 Appendix A) for a minimum of six minutes, to assure visible emissions from the affected unit are 5 percent opacity or less. If any of the 15-second observations exceeds 5 percent opacity, the observation period shall continue for a total of sixty (60) minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the equipment resumes operation with visible emissions less than or equal to 5 percent opacity.

The permittee shall maintain an observation log to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions the results of all VEEs, any necessary corrective action, and the name of the observer. If the unit has not been operated for any period during the week, it shall be noted in the log book.
(9 VAC 5-80-110)

3. At least one time daily an observation of the presence of visible emissions from the spray booth stacks shall be made. The presence of visible emissions shall require the permittee to:
 - a. Take timely correction action such that the unit resumes operation with no visible emissions, or,
 - b. Conduct a visible emission evaluation (VEE), in accordance with EPA Method 9 (reference 40 CFR 60 Appendix A) for a minimum of six minutes, to assure visible emissions from the affected unit are 5 percent opacity or less. If any of the 15-second observations exceeds 5 percent opacity, the observation period shall continue for a total of sixty (60) minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the equipment resumes operation with visible emissions less than or equal to 5 percent opacity.

The permittee shall maintain an observation log to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions the results of all VEEs, any necessary corrective action, and the name of the observer. If the unit has not been operated for any period during the week, it shall be noted in the log book.
(9 VAC 5-80-110)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Blue Ridge Regional Office. These records shall include, but are not limited to:

1. Monthly and annual hours of operation of the facility, and of individual units where the individual operating hours are used for emission estimates, calculated monthly as the sum of each consecutive 12 month period.
2. Monthly and annual throughput of volatile organic compounds, calculated monthly as the sum of each consecutive 12 month period.
3. Hourly emissions of volatile organic compounds as a monthly average.
4. Monthly and annual consumption of each VOC-containing stain, toner, coating, adhesive, thinner, or cleaning solution, calculated monthly as the sum of each consecutive 12 month period.
5. Monthly and annual estimate of facility-wide particulate matter and PM10 emissions, calculated monthly as the sum of each consecutive 12 month period.

6. Monthly and annual estimate of facility-wide volatile organic compound emissions, calculated monthly as the sum of each consecutive 12 month period.
7. Monthly average hourly VOC emissions, calculated monthly as a monthly average.
8. Monthly and annual estimate of particulate matter emitted from the baghouses and cartridge filter, calculated monthly as the sum of each consecutive 12 month period.
9. Monthly and annual estimate of particulate matter emitted from the spray booths, calculated monthly as the sum of each consecutive 12 month period.
10. Records of differential pressure across each baghouse and cartridge filter fabric filter.
11. Records of differential pressure in each baghouse capture duct system.
12. Records of spray booth dry filter weekly inspections.
13. Results of all stack tests, visible emissions evaluations and performance evaluations.
14. Material Safety Data Sheets (MSDS) or other vendor information showing VOC content, HAP content, water content, and solids content for each stain, toner, coating, adhesive, thinner, or cleaning solution used.
15. Scheduled and unscheduled maintenance, and operator training on pollution control equipment.

These records shall be available on site for inspection by DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Condition 22 of the 3/21/2011 NSR Permit

D. Testing

1. Once per permit term, the permittee shall conduct performance tests on, at least one baghouse for particulate matter and PM10 to confirm emissions and control efficiency requirements of this permit. Tests shall be conducted and reported and data reduced as set forth in Section 9 VAC 5-50-30 of State Regulations. The details of the tests are to be arranged with the Blue Ridge Regional Office. The permittee shall submit a test protocol at least thirty (30) days prior to testing. One copy of the test results shall be submitted to the Blue Ridge Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit. (VAC 5-50-30 and 9 VAC 5-80-110)
2. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall

be provided at the appropriate locations. This includes constructing the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and provided stack or duct that is free from cyclonic flow. Test ports shall be provided when requested at the appropriate locations.

(VAC 5-50-30, 9 VAC 5-80-110 and Condition 13 of the 3/21/2011 NSR Permit)

E. Reporting

The reporting requirements of Conditions IV.E and VII.C, D, E and F of this permit apply.

(9 VAC 5-80-110)

IV. Wood Furniture MACT (40 CFR 63 Subpart JJ)

The facility is to be operated in compliance with the Federal requirements under 40 CFR Part 63 Subpart JJ, including applicable future revisions. This includes the applicable General Provisions, Subpart A of 40 CFR Part 63, as identified in Table 1 in 40 CFR 63 Subpart JJ. All terms used regarding 40 CFR 63 Subpart JJ shall have the meanings as defined in 40 CFR 63.801 and 40 CFR 63.2. The terms and conditions below are from 40 CFR 63, Subpart JJ.

(9 VAC 5-80-110, 9 VAC 5-60-100, 40 CFR 63.800, et. seq. (Subpart JJ), and 40 CFR 63 Subpart A)

A. Limitations

1. Volatile Hazardous Air Pollutant (VHAP) emissions from the facility shall not exceed the following limits:

- a. For finishing operations use of any of the following methods:

- (i) Achieve a weighted average VHAP content across all coatings of 0.8 lb VHAP/lb solids, as applied;

- (ii) Use compliant finishing materials that meet the following specifications:

- (a) Each sealer and topcoat has a VHAP content of no more than 0.8 VHAP/lb solids, as applied;

- (b) Each stain has a VHAP content of no more than 1.0 lb VHAP/lb solids as applied;

- (c) Each thinner contains no more than 10.0 percent VHAP by weight except where excluded by (e) of this sub-section. For purposes of calculating thinner content of this section, VHAP equals HAP;

- (d) Each washcoat, basecoat, and enamel that is purchased pre-made, that is, it

is not formulated onsite by thinning another finishing material, that has a VHAP content of no more than 0.8 VHAP/lb solids, as applied;

- (e) Each washcoat, basecoat, and enamel that is formulated onsite is formulated using a finishing material containing no more than 0.8 lb VHAP/lb solids and a thinner containing no more than 3.0 percent VHAP by weight;
- (iii) Use any combination of averaging and compliance coatings such that no greater than 0.8 lb of VHAP being emitted per lb of solids used;
- b. For cleaning operations strippable spray booth coatings shall be used that contain no more than 0.8 lb VOC/lb solids as applied;
- c. Compliant contact adhesives shall be used based on the following criteria:
 - (i) For aerosol adhesives, as well as hot melt, PVA, and urea formaldehyde adhesives, and for contact adhesives applied to nonporous substrates there is no limit on the VHAP content of these adhesives;
 - (ii) For foam adhesives used in products that meet flammability requirements the VHAP content can be no more than 0.2 lb VHAP/lb solids, as applied;
 - (iii) For all other contact adhesives the VHAP content can be no more than 0.2 lb VHAP/lb solids, as applied.

(9 VAC 5-80-110 and 40 CFR 63.802)

2. The permittee shall develop and implement the following work practice standards:
 - a. Work practice implementation plan – The permittee shall prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for the finishing and gluing operations and addresses each of the work practice standards presented in IV.A.2.b through IV.A.2.i. that follow. The written work practice implementation plan shall be available for inspection by the Administrator upon request. If the Administrator determines that the work practice implementation plan does not adequately address each of the topics specified in 40 CFR 63.803 or that the plan does not include sufficient mechanisms for ensuring that the work practice standards are being implemented, the Administrator may require the permittee to modify the plan. Revisions or modifications to the plan do not require a revision of the source's Title V permit.
 - b. Operator training course – The permittee shall train all new and existing personnel, including contract personnel, who are involved in finishing, gluing,

cleaning, and washoff operations, on the use of manufacturing equipment in these operations, or implementation of the requirements of 40 CFR Part 63 Subpart JJ. All new personnel shall be trained upon hiring. All personnel shall be given refresher training annually. The permittee shall maintain a copy of the training program with the work practice implementation plan. The training program shall include, at a minimum, the following:

- (i) A list of all current personnel by name and job description that are required to be trained;
 - (ii) An outline of the subjects to be covered in the initial and refresher training for each position or group of personnel;
 - (iii) Lesson plans for course to be given at the initial and annual refresher training that include, at a minimum, appropriate equipment setup and adjustment to minimize finishing material usage and overspray, and appropriate management of cleanup wastes; and
 - (iv) A description of the methods to be used at the completion of initial or refresher training to demonstrate and document successful completion.
- c. Inspection and maintenance plan – The permittee shall prepare and maintain with the work practice implementation plan a written leak inspection and maintenance plan that specifies:
- (i) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings, adhesives, or organic HAP solvents;
 - (ii) An inspection schedule;
 - (iii) Methods for documenting the date and results of each inspection and any repairs that were made;
 - (iv) The timeframe between identifying the leak and making the repair, which adheres, at a minimum, to the following schedule:
 - (a) A first attempt at repair (e.g. tightening of packing glands) shall be made no later than five calendar days after the leak is detected; and
 - (b) Final repairs shall be made within 15 calendar days after the leak is detected, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within three months.
- d. Cleaning and washoff solvent accounting system – The permittee shall develop an

organic HAP solvent accounting form to record:

- (i) The quantity and type of organic HAP solvent used each month for washoff and cleaning, as defined in 40 CFR 63.801;
 - (ii) The number of pieces washed off, the reason for the washoff; and
 - (iii) The quantity of spent organic HAP solvent generated from each washoff and cleaning operation each month, and whether it is recycled onsite or disposed offsite.
- e. Chemical composition of cleaning and washoff solvents – The permittee shall not use cleaning or washoff solvents that contain any of the pollutants listed in Table 4 of 40 CFR 63 Subpart JJ, in concentrations subject to MSDS reporting as required by OSHA.
- f. Spray booth cleaning - The permittee shall not use compounds containing more than 8.0 percent by weight VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, or plastic filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is the spray booth coating or other protective material used to cover the booth is being replaced, the permittee shall use no more than 1.0 gallon of organic HAP solvent per booth to prepare the surface of the booth prior to applying the booth coating.
- g. Storage requirements - The permittee shall use normally closed containers for storing finishing, gluing, cleaning, and washoff materials.
- h. Application equipment requirements – The permittee shall use conventional air spray guns to apply finishing materials only under any of the following circumstances:
- (i) To apply finishing materials that have a VOC content no greater than 1.0 lb VOC/lb solids, as applied;
 - (ii) For touchup and repair under the following conditions:
 - (a) The touchup and repair occurs after completion of the finishing operation;
or
 - (b) The touchup and repair occurs after the application of stain and before the application of any other type of finishing material, and the materials used for touchup and repair are applied from a container that has a volume of no more than 2.0 gallons.

- (iii) When spray is automated, that is, the spray gun is aimed and triggered automatically, not manually;
- (iv) When emissions from the finishing application station are directed to a control device;
- (v) The conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 5.0 percent of the total gallons of finishing material used during that semiannual period; or
- (vi) The conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. The permittee shall demonstrate technical or economic infeasibility by submitting to the Administrator a videotape, a technical report, or other documentation that supports the permittee's claim of technical or economic infeasibility. The following criteria shall be used, either independently or in combination, to support the permittee's claim of technical or economic infeasibility:
 - (a) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or
 - (b) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.
- i. Line cleaning – The permittee shall pump or drain all organic HAP solvent used for line cleaning into a normally closed container.
- j. Gun cleaning – The permittee shall collect all organic HAP solvent used to clean spray guns into a normally closed container.
- k. Washoff operations – The permittee shall control emissions from washoff operations by:
 - (i) Using normally closed tanks for washoff; and
 - (ii) Minimizing dripping by tilting or rotating the part to drain as much solvent as possible.
- l. Formulation assessment plan for finishing operations – The permittee shall prepare and maintain with the work practice implementation plan a formulation assessment plan that:

- (i) Identified VHAP from the list presented in Table 5 of 40 CFR Part 63 Subpart JJ that are being used in finishing operations;
- (ii) Establishes a baseline level of usage for each VHAP identified. The baseline usage level shall be the highest annual usage from 1994, 1995, or 1996, for each VHAP identified, except for formaldehyde and styrene which shall be determined as specified by 40 CFR 63.803(1)(2). For VHAPs that do not have a baseline, one will be established according to Work Practices Standards Conditions IV.A.2.l(vi) below.
- (iii) Tracks the annual usage of each VHAP identified that is present in amounts subject to MSDS reporting as required by OSHA.
- (iv) If the annual usage of the VHAP identified exceeds its baseline level, then the permittee of the facility shall provide a written notification to the permitting authority that describes the amount of the increase and explains the reasons for exceedance of the baseline level. The following explanations would relieve the owner or operator from further action, unless the affected source is not in compliance with any State regulations or requirements for that VHAP:
 - (a) The exceedance is no more than 15.0 percent above the baseline level;
 - (b) Usage of the VHAP is below the de minimis level presented in Table 5 of 40 CFR 63 Subpart JJ for that VHAP;
 - (c) The affected source is in compliance with its State's air toxic regulations or guidelines for that VHAP; or
 - (d) The source of the pollutant is a finishing material with a VOC content of no more than 1.0 lb VOC/lb solids as applied.
- (v) If none of the explanations listed in the Work Practices Standards Conditions IV.A.2.l(iv) above are the reason for the increase, the permittee shall confer with the Blue Ridge Regional Office to discuss the reason for the increase and whether there are practical and reasonable technology-based solutions for reducing the usage. The evaluation of whether a technology is reasonable and practical shall be based on cost, quality, and marketability of the product, whether the technology is being used successfully by other wood furniture manufacturing operations, or other criteria mutually agreed upon by the Blue Ridge Regional Office and owner or operator. If there are no practical and reasonable solutions, the facility need take no further action. If there are solutions, the owner or operator shall develop a plan to reduce usage of the pollutant to the extent feasible. The plan shall address the approach to be used

to reduce emissions, a timetable for implementing the plan, and a schedule for submitting notification of progress.

- (vi) If the permittee uses VHAP of potential concern listed in Table 6 of 40 CFR 63 Subpart JJ for which baseline level has not been previously established, then the baseline level shall be established as the de minimis level provided in that same table. The permittee shall track the annual usage of each VHAP of potential concern identified that is present in amounts subject to MSDS reporting as required by OSHA. If usage of the VHAP of potential concern exceeds the de minimis level listed in Table 6 of 40 CFR 63 Subpart JJ for that chemical, then the permittee shall provide an explanation to the Blue Ridge Regional Office that documents the reason for exceedance of the de minimis level. If the explanation is not one of those listed in Work Practices Standards Condition IV.A.2.1(iv) above, the affected source shall follow the procedures established in Work Practices Standards Conditions IV.A.2.1(v), above.

(9 VAC 5-80-110, Condition 6 of the 3/21/2011 Permit, and 40 CFR 63.803(a)-(1))

3. The permittee shall meet the following operation and maintenance requirements:
- a. At all times, including periods of startup, shutdown, and malfunction, the permittee shall operate and maintain the facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards.
 - b. Malfunctions shall be corrected as soon as practicable after their occurrence.
 - c. Operation and maintenance requirements established pursuant to section 112 of the Clean Air Act are enforceable independent of emissions limitations or other requirements in relevant standards.
 - d. Determination of whether operation and maintenance procedures are being used will be based on information available to the DEQ which may include, but is not limited to, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(9 VAC 5-80-110, and 40 CFR 63.6(e))

B. Monitoring

Continuous compliance with the VHAP emissions limits shall be determined as follows:

1. For finishing operations when averaging is being used to show continuous

compliance, the permittee shall submit the results of the averaging calculation (Equation 1) for each month within that semiannual period and submitting a compliance certification with the semiannual report. The compliance certification shall state that the value of (E), as calculated by Equation 1, is no greater than 0.8. The facility is in violation of the standard if E is greater than 0.8 for any month. A violation of the monthly average is a separate violation of the standard for each day of operation during the month, unless the affected source can demonstrate through records that the violation of the monthly average can be attributed to a particular day or days during the period.

$$E = (Mc1Cc1 + Mc2Cc2 + \dots + McnCc_n + S1W1 + S2W2 + \dots + SnWn) / (Mc1 + Mc2 + \dots + Mcn) \quad \text{Equation 1}$$

E = the emission limit achieved by an emission point or a set of emission points, in lb VHAP/lb solids.
 Mc = the mass of solids in a finishing material or coating used monthly, including exempt finishing materials and coatings, lb solids/month.

Cc = the VHAP content of a finishing material or coating (c), in pounds of VHAP per pound of coating solids.

S = the VHAP content of a solvent, expressed as a weight fraction, added to finishing materials or coatings.

W = the amount of solvent, in pounds, added to finishing materials and coatings during the monthly averaging period.

The Emission Limit (E in lb VHAP / lb solids) equals the sum, for all finishing materials and coatings, of the mass of solids in each material used within that month (Mc in lb solids / month) multiplied by the VHAP content in each material (Cc in lb VHAP / lb solids) plus the sum, for all solvents, of the mass of solvent used monthly (W in lb solvent / month) multiplied by the weight fraction of VHAP in the solvent (S in lb VHAP / lb solvent), with this total being divided by the sum, for all finishing materials and coatings, of the mass of solids in each finishing material and coating used within that month (Mc in lb solids / month).

2. For finishing operations when compliant coatings are being used to show continuous compliance, the permittee shall use compliant coatings and thinners, maintain records that demonstrate the finishing materials and thinners are compliant, and submit a compliance certification with the semiannual report which states that compliant stains, washcoats, sealers, topcoats, basecoats, enamels, and thinners, as stated in Condition IV.A.1, have been used each day in the semiannual reporting period or should otherwise identify the periods of noncompliance and the reasons for noncompliance. The facility is in violation of the standard whenever a noncompliant coating, as demonstrated by records or by a sample of the coating, is used.
3. For contact adhesive operations when compliant adhesives are being used to show compliance, the permittee shall submit a compliance certification with the semiannual report. The compliance certification shall state that compliant contact and/or foam adhesives have been used each day in the semiannual reporting period, or should otherwise identify each day noncompliant contact and/or foam adhesives were used. Each day a noncompliant contact or foam adhesive is used is a single violation of the

standard.

4. For strippable spray booth coatings the permittee shall submit a compliance certification with the semiannual report. The compliance certification shall state that compliant strippable spray booth coatings have been used each day in the semiannual reporting period, or should otherwise identify each day noncompliant materials were used. Each day a noncompliant strippable booth coating is used is a single violation of the standard.
5. For work practice standards the permittee shall submit a compliance certification with the semiannual report. The compliance certification shall state that the work practice implementation plan is being followed, or should otherwise identify the provisions of the plan that have not been implemented and each day the provisions were not implemented. During any period of time that the permittee is required to implement the provisions of the plan, each failure to implement an obligation under the plan during any particular day is a violation and the Administrator may require the permittee to modify the plan (see Condition IV.A.2.a).

(9 VAC 5-80-110, 40 CFR 63.804(g) and 40 CFR 63.8)

C. Recordkeeping

The permittee shall maintain records of the following:

1. For emission limit purposes, the permittee shall maintain the following:
 - a. A certified product data sheet for each finishing material, thinner, contact adhesive, and strippable spray booth coating subject to the emission limits in Condition IV.A.,
 - b. The VHAP content, in lb VHAP/lb solids, as applied, of each finishing material and contact adhesive subject to the emission limits in Conditions IV.A.1.a. and IV.A.1.c ; and
 - c. The VOC content, in lb VOC/lb solids, as applied, of each strippable booth coating subject to the emission limits in Condition IV.A.1.b.
2. Following the averaging method the permittee shall maintain copies of the averaging calculation for each month following the compliance date, as well as the data on the quantity of coatings and thinners used that is necessary to support the calculation of E in Equation 1 (as defined in Condition IV.B.1).
3. The permittee shall maintain onsite the work practice implementation plan and all records associated with fulfilling the requirements of that plan, including, but not limited to:

- a. Records demonstrating that the operator training program required by Condition IV.A.2.b is in place;
 - b. Records collected in accordance with the inspection and maintenance plan required by Condition IV.A.2.c;
 - c. Records associated with the cleaning solvent accounting system required by Condition IV.A.2.d;
 - d. Records associated with the limitation on the use of conventional air spray guns showing total finishing material usage and the percentage of finishing materials applied with conventional air spray guns for each semiannual period required by Condition IV.A.2.h;
 - e. Records associated with the formulation assessment plan required by Condition IV.A.2.i; and
 - f. Copies of documentation such as logs developed to demonstrate that the other provisions of the work practice implementation plan are followed.
4. The permittee shall maintain records of the compliance certifications submitted for each semiannual period following the compliance date.
 5. The permittee shall maintain records of all other information submitted with the compliance status report and the semiannual reports.
 6. The permittee shall maintain files of all information (including all reports and notifications) required, recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be retained on site. The remaining three (3) years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

(9 VAC 5-80-110, 40 CFR 63.806 and 63.10(b)(1))

D. Testing

If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use appropriate test methods in accordance with procedures approved by the DEQ or specified in the MACT.

(9 VAC 5-80-110)

E. Reporting

1. Reporting not otherwise required by this permit shall consist of the following:
 - a. The permittee when demonstrating continuous compliance shall submit a report covering the previous six (6) months of wood furniture manufacturing operations (see Condition VII.C.3):
 - (i) Reports shall be submitted no later than March 1 and September 1 of each calendar year.
 - (ii) The semiannual reports shall include the information required by Condition IV.B, a statement of whether the facility was in compliance or noncompliance, and, if the facility was in noncompliance, the measures taken to bring the facility into compliance.
 - b. The permittee, when required to provide a written notification by Condition IV.A.2.1(iv) for exceedance of a baseline level 40 CFR 63.803(1)(4), shall include in the notification one or more statements that explains the reasons for the usage increase. The notification shall be submitted no later than 30 calendar days after the end of the annual period in which the usage increase occurred.

Copies of each 40 CFR 63 Subpart JJ (MACT JJ) report shall be sent to:

Director
Air Protection Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103 - 2029.

VA DEQ
Director, Blue Ridge Regional Office
Attn: Air Compliance Manager
3019 Peters Creek Road
Roanoke, VA 24019

(9 VAC 5-80-110, and 40 CFR 63.807 & 63.10(d))

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity 9 VAC 5-80-720 C)
WH	Water heater, n.g	9 VAC 5-80-720 C		<7.6 MMBtu/hr

MAH-1	Make-up air heater, n.g.	9 VAC 5-80-720 C		<7.6 MMBtu/hr
MAH-2	Make-up air heater, n.g.	9 VAC 5-80-720 C		<7.6 MMBtu/hr
MAH-3	Make-up air heater, n.g.	9 VAC 5-80-720 C		<7.6 MMBtu/hr
MAH-4	Make-up air heater, n.g.	9 VAC 5-80-720 C		<7.6 MMBtu/hr
MAH-5	Make-up air heater, n.g.	9 VAC 5-80-720 C		<7.6 MMBtu/hr

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
		(No inapplicable requirements cited)

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.

- f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

- 2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

- 3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - (i) Exceedance of emissions limitations or operational restrictions;
 - (ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - (iii) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including

emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.
7. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Blue Ridge Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Blue Ridge Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Blue Ridge Regional Office.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air

pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall

comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 FR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives,

marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)